

## **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Rewrite claims 6 and 8-9 in independent form.
3. Amend the dependencies of claims 3 – 4 and 7 to depend upon independent claim 6.
4. Add new dependent claims 13 – 15, corresponding to claims 3 – 4 and 7, but dependent upon independent claim 8.
5. Add new dependent claims 16 – 18, corresponding to claims 3 – 4 and 7, but dependent upon independent claim 9.
6. Cancel claims 1, 2 and 5 and 10 – 12 without prejudice or disclaimer.
7. Add new independent claims 19 and 20.
8. Advise the Examiner of the non-electronic filing of a verified translation of Applicants' foreign priority document for the purpose of overcoming U.S. Publication 20040154655 to Tanaka.
9. Respectfully traverse all prior art rejections.

### **B. PATENTABILITY OF THE CLAIMS**

Claims 1-5, 7 and 10-12 stand rejected under 35 USC 102(b) as being anticipated by U.S. patent 4,336,413 to Tourneux. Claims 1-3 and 5-12 stand rejected under 35 USC 102(e) as being anticipated by U.S. Publication 20040154655 to Tanaka. Claims 6 and 8-9 stand rejected under 35 USC 1013(a) as being unpatentable over U.S. Patent 4,336,413 to Tourneux in view of U.S. Publication 20040154655 to Tanaka. Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Publication

20040154655 to Tanaka to DE 19521098 to Bonn. All prior art rejections are respectfully traversed for at least the following reasons.

The prior art rejections based on commonly assigned U.S. Publication 20040154655 to Tanaka are overcome on the basis of filing date. In this regard, Applicants' Japanese priority filing date precedes the U.S. filing date of the application upon which U.S. Publication 20040154655 to Tanaka is based. Specifically, Applicants' March 31, 2003 filing date is earlier than the February 3, 2004 filing date of application 10/769,791 which corresponds to U.S. Publication 20040154655 to Tanaka. Applicants are submitting a verified translation of the captioned application, thereby overcoming U.S. Publication 20040154655 which should now be withdrawn as a reference.

In view of U.S. Publication 20040154655 to Tanaka having been overcome, the prior art rejections of claims 6 and 8 – 9 fail. Since claims 6 and 8 – 9 have been rewritten as independent claims, these claims are allowable over the applied art of record, as are dependent claims 3 – 4 and 7 (dependent upon independent claim 6), new dependent claims 13 – 15 (dependent upon independent claim 8), and new dependent claims 16 – 18 (dependent upon independent claim 9).

New independent claims 18 and 19 distinguish over the applied art of record, such as U.S. Patent 4,336,413 to Tourneux. New independent claim 18 requires, e.g., that a degree of downward extent of the drain trough-defining rib and a degree of upward extent of the drip rib facilitate adjustable positioning of the solar cell unit in the lateral direction without interference with a drip rib or drain trough-defining rib of an adjacent solar cell unit. Similarly, new independent method claim 19 requires adjusting a degree of overlap of the planar projection of the first solar cell unit over the drain channel of the second solar cell unit, a degree of downward extent of the drain trough-defining rib of the second solar cell unit and a degree of upward extent of the drip rib of the first solar cell unit

facilitating adjustable positioning of the solar cell unit in the lateral direction without interference with a drip rib or drain trough-defining rib of an adjacent solar cell unit.

Applicants' disclosure clearly teaches that the width of the gaps are adjustable (*see*, e.g., page 4, lines 14 – 23, and page 19, lines 8 through 13).

In U.S. Patent 4,336,413 to Tourneux, by contrast, upturned elements 28 and 29 of Tourneux piece 22 and the corresponding downturned elements of Tourneux piece 21 appear to interlock in such a way to limit lateral movement of the Tourneux panels relative to one another.

### C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application. Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
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